

United States Government

Department of Energy

memorandum

DATE: July 22, 2003

REPLY TO

ATTN OF: Office of Air, Water & Radiation Protection Policy and Guidance (EH-41):Boulos: 6-1306

SUBJECT: EPA Final Rule on Allowance System for Controlling HCFC Production, Import, and Export

TO: Distribution

The purpose of this memorandum is to notify Department of Energy (DOE) program offices and field organizations of the Environmental Protection Agency's (EPA) final rule, "Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import and Export. The final rule (68 FR 2820; January 21, 2003) is available at the EH-41 Home Page at: <http://www.eh.doe.gov/oepa/rules/68/68fr2820.pdf>.

The principal purpose of the final rule is to establish an allowance system, similar to that used for class I ozone-depleting substances (ODS), for hydrochlorofluorocarbons (HCFCs). HCFCs are class II ODS and are known to contribute to stratospheric ozone depletion. The final rule allocates production allowances (40 CFR 82.17) and consumption allowances (40 CFR 82.19) to various companies.

The final rule establishes:

- o extensive recordkeeping and reporting requirements for those who produce, import, export, or transform or destroy class II ODS (40 CFR 82.24). The requirements for those who transform or destroy class II controlled substances [40 CFR 82.24(e); 68 FR 2858] have potential application to DOE. The requirements spell out the types of records that must be maintained and the reporting requirements. The general recordkeeping and reporting requirements in [40 CFR 82.24(a); 68 FR 2855] must also be met.
- o a petition process for exemptions to the January 1, 2003, phaseout of HCFC-141b [40 CFR 82.16(h); 68 FR 2849]. Federal agencies can petition EPA for exemption allowances for the production or import of HCFC-141b after the phaseout date.

EPA's questions and answers write-up on the HCFC allowance system is available at: <http://www.epa.gov/ozone/title6/phaseout/hcfcallowallocat.html>. EPA's fact sheet on HCFC phaseout is available at: <http://www.epa.gov/ozone/title6/phaseout/hcfc.html>.

Questions on the final rule can be directed to Mr. Emile Boulos of my staff at: emile.boulos@eh.doe.gov; 202-586-1306.



Andrew Wallo
Director
Office of Air, Water and Radiation
Protection Policy and Guidance

